

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALLEGHENY COUNTY EMPLOYEES'
RETIREMENT SYSTEM, EMPLOYEES'
RETIREMENT SYSTEM OF THE CITY OF
BATON ROUGE AND PARISH OF EAST
BATON ROUGE, DENVER EMPLOYEES
RETIREMENT PLAN, INTERNATIONAL
ASSOCIATION OF MACHINISTS AND
AEROSPACE WORKERS NATIONAL
PENSION FUND, and IOWA PUBLIC
EMPLOYEES' RETIREMENT SYSTEM,
Individually and On Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

ENERGY TRANSFER LP, KELCY L.
WARREN, THOMAS E. LONG,
MARSHALL MCCREA, and MATTHEW S.
RAMSEY,

Defendants.

Case No. 2:20-cv-00200-GAM

**STIPULATION AND [PROPOSED] ORDER EXTENDING EXPERT DISCOVERY
DEADLINES AND SETTING BRIEFING SCHEDULE FOR SUMMARY JUDGMENT**

IT IS HEREBY AGREED, by and between the parties (each, a “Party,” and together, the “Parties”) to the above-captioned action (the “Action”), that the following provisions of this stipulation (“Stipulation”) shall govern the schedule related to discovery for experts on non-class certification issues and briefing for motions for summary judgment. The Stipulation is based on the following and subject to the conditions set forth below:

WHEREAS, on August 16, 2022, the Court entered a stipulated order setting certain deadlines regarding discovery for experts on non-class certification issues (ECF No. 112);

WHEREAS, on December 7, 2022, the Court entered a stipulated order extending certain discovery deadlines in this Action and setting an October 13, 2023 deadline for completion of expert depositions on non-class certification issues (ECF No. 133);

WHEREAS, on May 19, 2023, the Court entered an Order granting Plaintiffs' April 20, 2023 Motion to Compel and extending the fact discovery deadline to July 14, 2023 (ECF No. 157);

WHEREAS, this Court's Guidelines for Counsel provide a procedure for the Parties to follow when seeking to extend a specific deadline;

WHEREAS, the Parties have been engaged in ongoing discussions regarding expert discovery in this Action and agree that allocating additional time for expert discovery in this Action is necessary and appropriate;

WHEREAS, the Parties have discussed and have reached an agreement regarding an extension of the deadlines related to discovery for experts on non-class certification issues and the schedule for briefing summary judgment motions, as set forth below;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel and subject to approval of the Court, that:

1. The deadline for Parties to identify the subject areas of expert testimony they intend to proffer with respect to non-class certification issues for which they bear the burden of proof shall be **July 28, 2023**;¹

¹ For avoidance of doubt, expert reports and/or testimony disclosed during prior class certification proceedings by any Party shall be deemed timely disclosed in accordance with this (or any subsequent) schedule and need not be re-disclosed on the dates specified herein in order to be used at trial.

2. The deadline for Parties to serve expert reports and all other expert disclosures required pursuant to FED. R. CIV. P. 26 with respect to non-class certification issues for which they bear the burden of proof shall be **September 15, 2023**;

3. The deadline for Parties to serve expert reports and all other expert disclosures required pursuant to FED. R. CIV. P. 26 with respect to non-class certification issues for which they do not bear the burden of proof shall be **November 10, 2023**;

4. The deadline for taking expert depositions on non-class certification issues shall begin on **November 27, 2023** and end on **December 22, 2023**;

5. The deadline for filing any Motions for Summary Judgment and any briefs in support of Motions for Summary Judgment shall be **January 19, 2024**;

6. The deadline for filing any answering brief to a Motion for Summary Judgment shall be **March 1, 2024**;

7. The deadline for filing any reply brief in further support of a Motion for Summary Judgment shall be **March 29, 2024**.

IT IS SO STIPULATED.

SO ORDERED this ____ day of July 2023.

Hon. Gerald A. McHugh

Dated: July 26, 2023

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